



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,492	10/17/2003	Kevin E. Willey	KWIL-101A	2200
28304	7590	03/10/2006	EXAMINER	
JEAN M. MACHELEDT 501 SKYSAIL LANE SUITE B100 FORT COLLINS, CO 80525-3133			KING, ANITA M	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/688,492	Applicant(s) WILLEY, KEVIN E.	
	Examiner Anita M. King	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8,9 and 15-22 is/are allowed.
- 6) ☒ Claim(s) 1-3,5,10-14 and 23 is/are rejected.
- 7) ☒ Claim(s) 6,7 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This is the second office action for application number 10/688,492, Multi-Purpose Upright Stand with Leg Assemblies having Hinge-Fitting, filed on October 17, 2003.

Response to Amendment

The indicated allowability of claim 5 is withdrawn in view of further consideration of the pending prior art references.

Claim Rejections - 35 USC § 112

Claims 1-3, 5-7, and 10-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regards to claim 1, it is not understood as to what the claimed term "a direction" is referring, i.e., what is the reference point in regards to the invention that "a direction" stems from.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 2,493,978 to Kromer. Kromer discloses a collapsible apparatus for supporting an article (1), the apparatus comprising: first, second, and third leg assemblies; an upper end of each leg assembly pivotally secured to extend from an upper support member (10) in a generally symmetrical fashion; a lower end of each of the leg assemblies pivotally secured

to extend from a lower collar support (6); each of the leg assemblies comprising a hinge-fitting (@15) interconnecting first (13) and second (14) elongated subassemblies, the hinge-fitting adapted to permit at least a pivot range of 170-degrees of rotation and a locking mechanism (11) for holding hinge-fitting in any one of a plurality of directions within the pivot range; and the upper support member adapted to aid in the supporting of the article.

Claims 1, 2, 5, and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 2,849,202 to McCombs. McCombs discloses a collapsible apparatus for supporting an article (17), the apparatus comprising: first, second, and third leg assemblies; an upper end of each leg assembly pivotally secured to extend from an upper support member (16) in a generally symmetrical fashion; a lower end of each of the leg assemblies pivotally secured to extend from a lower collar support (15); each of the leg assemblies comprising a hinge-fitting (@ 29) interconnecting first and second elongated subassemblies, the hinge-fitting adapted to permit at least a pivot range of 170-degrees of rotation and a locking mechanism 23, 25) for holding the hinge-fitting in any one of a plurality of directions within the pivot range; the upper support member adapted to aid in the supporting of the article; the article is elongated in shape; each of the first elongated subassembly is variable in overall length and comprises a plurality of telescoping tubular sections adapted to interlock at a selected length; the upper support member comprises an aperture for accepting the elongated article; the lower collar support is adapted for accepting a lower-end of the article for placement on a ground; a pin inserted through both a through-hole in each of the fork extensions of the upper support member and through a respective one of the upper ends provides the pivotal securing thereof; the upper support

member comprises a plurality of fork extensions to which the upper ends of the leg assemblies are pivotally secured; each of the second elongated subassemblies is variable in overall length and comprises a plurality of telescoping tubular sections adapted to interlock; and the telescoping tubular sections of the first elongated subassembly are sized for interchangeability with the telescoping tubular sections of the second elongated subassembly.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 3 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCombs in view of Weber. McCombs discloses the claimed invention except for the limitation of an insert having an inner-aperture shaped to accept an outer perimeter of the article. Weber discloses an insert (7) having an inner aperture (11) shaped to accept an outer perimeter of an article, the insert shaped to releasably fit within the aperture (15) of a support member (3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the apparatus in McCombs to have included the insert as taught by Weber for the purpose of providing a more secured means for mounting an elongated cylindrical object within the aperture of the apparatus and for accommodating objects having different diameters.

Allowable Subject Matter

Claims 4, 8, 9, and 15-22 are allowed.

Claims 6, 7, 13, 14, and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed December 27, 2005 have been fully considered but they are not persuasive.

Applicant's arguments, see remarks, filed December 27, 2005, with respect to the rejection(s) of claim(s) 3 and 23 under 35 U.S.C. 103(a) McCombs in view of Krinner have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Weber.

In response to applicant's argument that neither Kromer nor McCombs has a pivot range of 170-degrees and a locking mechanism, the apparatuses in Kromer and McCombs are in deed capable of having hinge-fittings that permit at least a pivot range of 170-degrees and are locked in position by the locking mechanism disposed on the collar (10) in Kromer and the collar (16) in McCombs.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,248,119 to Imura


U.S. Patent 6,508,369 to Wang

U.S. Patent 6,932,223 to Lee et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Anita M. King
Primary Examiner
Art Unit 3632

March 6, 2006